

CITY COUNCIL REPORT



Meeting Date: January 14, 2014
General Plan Element: *Land Use*
General Plan Goal: *Support a diversity of businesses.*

ACTION

Acquisition of Control Change for Oregano's Pizza Bistro 112-LL-2013. To consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an Acquisition of Control Change for an existing Series 12 (restaurant) liquor license.

OWNER

Oregano's Restaurant's Inc.

APPLICANT CONTACT

Mark Steven Russell

LOCATION

7215 E Shea Blvd.

BACKGROUND

This request is for an Acquisition of Control Change of a Series 12 (restaurant) liquor license. Oregano's has been operating at this location since 2003.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant is seeking a favorable recommendation on an Acquisition of Control Change for a Series 12 (restaurant) liquor license. Frank B. Sbordone will now be the Secretary and the Treasurer of the Corporation.

STATE GUIDELINES FOR CONSIDERING AN APPLICATION

A.R.S. Section 4-203 Granting an Acquisition of Control Change.

The new agent must submit an application to the Arizona Department of Liquor Licenses & Control, which is then forwarded to the local governing body. The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control.

OTHER LICENSES & PERMITS

Financial Management

Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

Spirituosous Liquor Tax Permit # Pending.

Scottsdale Transaction Privilege Sales Tax License # Pending.

IMPACT ANALYSIS

Public Safety Division.

Police Department:

Major life safety issues: None noted.

Code Enforcement: There are no current cases of code violations at this time in relation to the liquor license.

COUNCIL OPTIONS & STAFF RECOMMENDATION

Council Options

The City Council has the option of recommending approval, denial or no recommendation to the Arizona Department of Liquor Licenses and Control.

Staff Recommendation

The City of Scottsdale staff has conducted a review and advises that the license request meets the criteria imposed for determining the capability, qualifications and reliability of the applicant.

Next Steps

The City Council's recommendation of approval, denial or no recommendation will be forwarded to the Department of Liquor Licenses and Control for their consideration.

RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation Division

Public Safety Division

Economic Vitality Division

STAFF CONTACTS (S)

Teri Gleason, Planning Assistant, tgleason@scottsdaleaz.gov
Planning, Neighborhood and Transportation Division

James Wasson, Lieutenant, Special Assignment, jwasson@scottsdaleaz.gov
Public Safety Division

Raun Keagy, Planning, Neighborhood and Transportation Director, rkeagy@scottsdaleaz.gov
Planning, Neighborhood and Transportation

APPROVED BY

Tim Curtis, AICP, Current Planning Director
312-4210 tcurtis@scottsdaleaz.gov

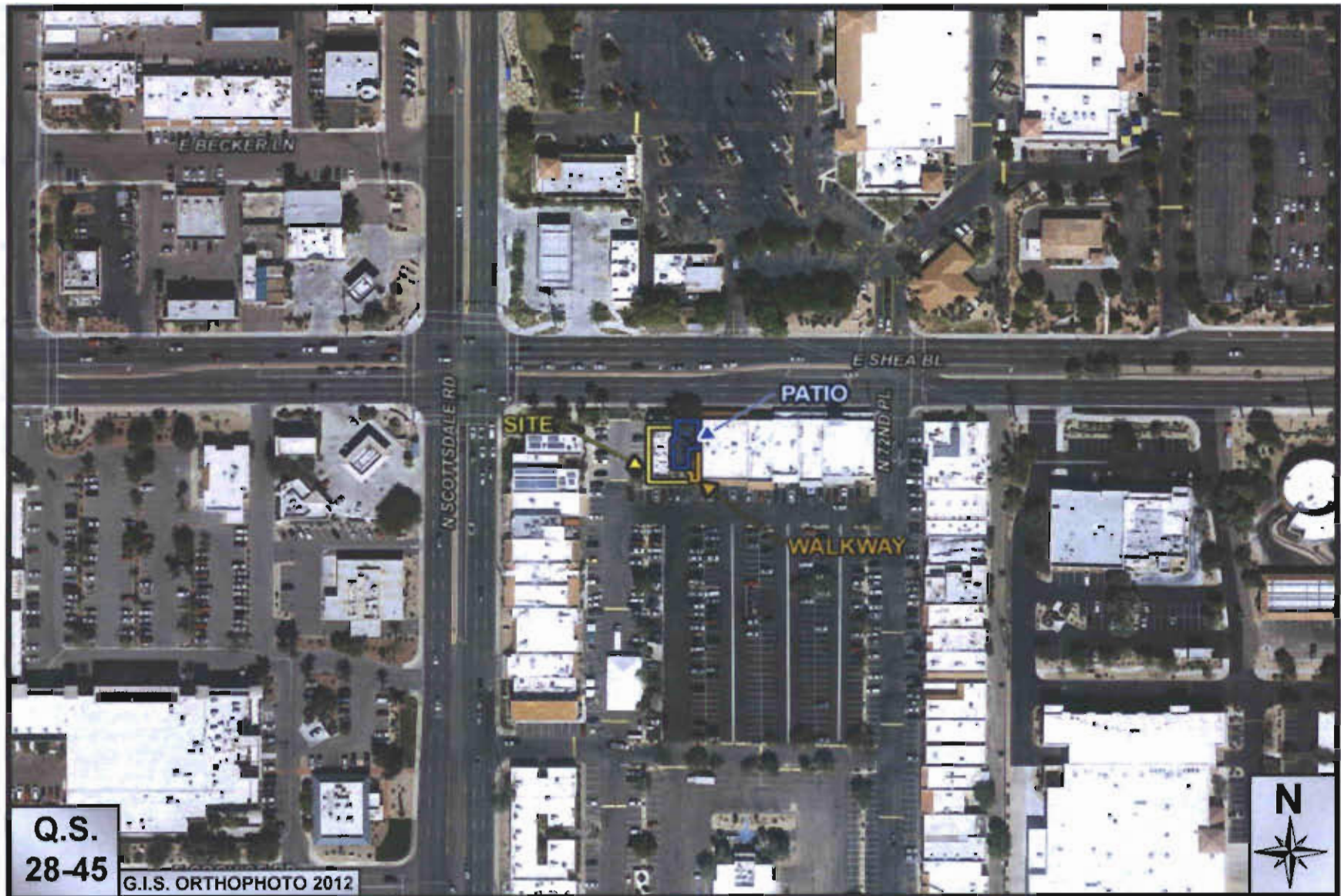
 12/5/2013

Randy Grant, PNT Administrator
312-2664, rgrant@scottsdaleaz.gov

 12/12/13

ATTACHMENTS

- #1: Vicinity Map
- #2: Aerial Map
- #3: State Application



112-LL-2013

Oregano's Restaurant

ATTACHMENT #1



Q.S.
28-45

G.I.S. ORTHOPHOTO 2012

112-LL-2013

Oregano's Restaurant

ATTACHMENT #2

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor

Phoenix AZ 85007-2934

www.azliquor.gov

(602) 542-5141

APPLICATION FOR AGENT CHANGE - ACQUISITION OF CONTROL - RESTRUCTURE

Check
Appropriate
Box

☐ Agent Change

Complete Sections 1,2,3,4,6
(See Note 1 on back)

☒ Acquisition of Control

Complete Sections 1,2 (3,4 if changing Agent), 6

☐ Restructure

Complete Sections 1,2,(3,4 if changing Agent), 5,6
(See Note 2 on back)

SECTION 1 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

1. Name (INDIVIDUAL OR EXISTING AGENT (if no agent change) OR NEW AGENT OR CORPORATE OFFICER OR L.L.C. CONTROLLING MEMBER)

Russell

Mark

Steven

P1003904

see attached list

Last

First

Middle

Liquor License #

2. ☒ Corporation ☐ L.L.C. ☐ N/A: Oregano's Restaurants, Inc.

B1044675 Corp. File #: 0867527-0

(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: Oregano's Pizza Bistro

(Exactly as it appears on license)

4. Business Address: see attached list

(Do not use P.O. Box Number)

City

COUNTY

Zip

5. Is the business located within the incorporated limits of the above city or town? ☒ Yes ☐ No

6. Mailing Address: 5141 N. 40th Street Ste 300

Phoenix

AZ

85018

City

State

Zip

7. Business Phone: (480) 829-0898

Residence Phone: (602)

762-2300

8. Does this transaction involve the sale of any portion of the corporate stock? ☒ YES ☒ NO ☐ N/A If yes, submit a certified copy of minutes.

9. Has there been any change of officers? ☒ YES ☐ NO ☐ N/A If yes, submit a certified copy of minutes.

SECTION 2 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

Each person listed in Section II must submit a personal questionnaire (Form LIC0101) and a Department approved fingerprint card which may be obtained at the Dept. A person appearing in both lists need only submit one questionnaire and fingerprint card.

1. List individual owner or partners or all directors, officers in corp., members in LLC:

Last	First	Middle	Title	Residence Address	City State Zip
Russell	Mark	Steven	President	23140 E. Claremont Ave, Phoenix, AZ 85016	
Sbordone Jr.	Frank	Benjamin	VP/Secretary	12090 N. 120th Street, Scottsdale, AZ 85259	

(ATTACH ADDITIONAL SHEET(S) IF NECESSARY)

2. List stockholders or controlling members owning 10% or more of Corp/LLC:

Last	First	Middle	% Owned	Residence Address	City State Zip
Oregano's Pizza Bistro, Inc.			100.0%	5141 N. 40th Street Ste 300, Phoenix, AZ 85018	

(ATTACH ADDITIONAL SHEET(S) IF NECESSARY)

Disabled individuals requiring special accommodations please call the Department

1/7/2013

Date Received 11.5.13

ATTACHMENT #3

SECTION 3

(COMPLETE THIS SECTION FOR AGENT CHANGE)

1. If the corporation/L.L.C. is owned by another entity, ATTACH AN OWNERSHIP AND DIRECTOR / OFFICER / MEMBER DISCLOSURE for the parent entity. Attach additional sheets as necessary in order to disclose real people.

As an Agent, will you be physically present and operating the licensed premises? ☐ YES ☐ NO

If you answered YES, you must provide proof of attendance of a Department approved Liquor Law Training Course within the last five years before your application for Agent can be submitted. If "no" a manager with approved training must be submitted.

SECTION 4

(COMPLETE THIS SECTION FOR AGENT CHANGE)

To be completed by the INDIVIDUAL OR EXISTING AGENT OR CORPORATE OFFICER OR L.L.C. CONTROLLING MEMBER:

1. License Number: _____ Date of last renewal: _____

2. Current Licensee or Agent: _____
(Exactly as it appears on license) Last First Middle

I, _____, hereby consent to the agent appointment named herein and
(Print full name)

agree to immediately assign a new agent in the event of the death, resignation, or discharge of this agent. I also understand that if the background report shows that I, the corporation, or any officer, director, member, or stockholder have been convicted of a felony in the past five (5) years, I will immediately surrender the license to the Arizona Department of Liquor Licenses and Control and hereby waive all rights to appeal such action.

X _____ State of _____ County of _____
(Signature of INDIVIDUAL/ CORPORATE/CLUB OFFICER/MEMBER) The foregoing instrument was acknowledged before me this

_____ day of _____
Day Month Year

My commission expires on: _____
(Signature of NOTARY PUBLIC)

SECTION 5

(COMPLETE THIS SECTION FOR RESTRUCTURE)

Is there more than one licensed premises involved? ☐ YES ☐ NO If yes, **SEPARATE APPLICATIONS** must be filed and fees paid for each license/location.

Type of current ownership:

- ☐ J.T.W.R.O.S.
☐ INDIVIDUAL
☐ PARTNERSHIP
☐ CORPORATION
☐ LIMITED LIABILITY CO.
☐ TRUST
☐ OTHER Explain _____

Type of new ownership:

- ☐ J.T.W.R.O.S.
☐ INDIVIDUAL
☐ PARTNERSHIP
☐ CORPORATION
☐ LIMITED LIABILITY CO.
☐ TRUST
☐ OTHER Explain _____

SECTION 6 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

To be completed by INDIVIDUAL OR EXISTING AGENT (if no agent change) OR NEW AGENT OR CORPORATE OFFICER OR L.L.C. CONTROLLING MEMBER as listed in Question 1 Section 1:

I, Mark Steven Russell, hereby declare that I am the APPLICANT filing this application.
(Print full name)

have read the application and the contents and all statements are true, correct and complete.

X _____ State of Arizona County of Maricopa
(Signature of INDIVIDUAL OR AGENT) The foregoing instrument was acknowledged before me this

31st day of October 2013
Day Month Year
NOTARY PUBLIC - ARIZONA
Maricopa County
My Commission Expires 04/29/2014

(Signature of NOTARY PUBLIC)

NOTE 1: The fee for an agent change MUST be submitted with this application: \$100.00 for the first application and \$50.00 for each additional application, not to exceed \$1,000.00. (A.R.S. 4-209.H)

NOTE 2: The \$100.00 fee for restructure/acquisition of control MUST be submitted with this application. (A.R.S. 4-209.A)

13 NOV 5 14p. Lic. #M1254